

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TIMOTHY JAMES HASSETT,

Petitioner,

Case No. 1:12cv419

v.

Hon. Robert J. Jonker

COMMISSIONER OF SOCIAL SECURITY,

Respondent.

ORDER

APPROVING AND ADOPTING REPORT AND RECOMMENDATION

The court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties on July 3, 2013. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge, filed July 3, 2013, is approved and adopted as the opinion of the court.

IT IS FURTHER ORDERED that the Commissioner's decision is **REVERSED** and **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the Commissioner should re-evaluate the overpayment issue, including plaintiff's participation in the TWP, whether plaintiff received the 1992 and 1995 notices referenced in the ALJ's decision, the effect of the SSA's letters increasing benefits in 2006 and 2007, the SSA's contact with plaintiff with respect to advice about commencing work in May 2005, and whether the SSA can recover any overpayment.

ROBERT J. JONKER
UNITED STATES DISTRICT JUDGE

DATED: July 24, 2013.